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7

8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
10

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 vs.

14 FRANCISCO MELGOZA,

15 Defendant.  
16

Case No. 1:21-cr-00192-NONE-SKO

**STIPULATION TO CONTINUE STATUS  
CONFERENCE; ORDER**

Date: June 1, 2022

Time: 1:00 p.m.

Judge: Hon. Sheila K. Oberto

17 IT IS HEREBY STIPULATED by and between the parties through their respective  
18 counsel, Assistant United States Attorney Christopher Baker, counsel for plaintiff, and Assistant  
19 Federal Defender Reed Grantham, counsel for Francisco Melgoza, that the status conference  
20 currently scheduled for April 20, 2022, at 1:00 p.m. may be continued to June 1, 2022, at 1:00  
21 p.m.

22 Mr. Melgoza made his initial appearance in this matter on July 13, 2021. *See* Dkt. #4. On  
23 November 23, 2021, the parties filed a stipulation setting a briefing schedule and hearing date on  
24 a defense motion to suppress. *See* Dkt. #22. The defense filed a motion to suppress on December  
25 10, 2021. *See* Dkt. #23. A hearing was held on the motion before the Honorable Jennifer L.  
26 Thurston on January 21, 2022. *See* Dkt. #29. Thereafter, on January 27, 2022, pursuant to a  
27 written order, the motion was denied and a status conference was set for February 2, 2022. *See*  
28 Dkt. #30. The matter is currently set for a status conference on April 20, 2022, at 1:00 p.m. *See*

1 Dkt. #33.

2 On May 13, 2020, this Court issued General Order 618, which extended the previous  
3 restrictions on courthouse access and in-court hearings until further notice from the Court. This  
4 General Order was entered to address public health concerns related to COVID-19. By this  
5 stipulation, the parties now move to continue the status conference until June 1, 2022, and to  
6 exclude time between April 20, 2022, and June 1, 2022, under 18 U.S.C. §§ 3161(h)(7)(A) and  
7 3161(h)(7)(B)(i), (ii) and (iv).

8 The parties agree and stipulate, and request that the Court find the following. The  
9 government has provided discovery in this matter. The defense remains in the process of  
10 reviewing the discovery with his client and conducting further investigation. Additionally, the  
11 parties have engaged in plea negotiations and the defense is in the process of reviewing and  
12 discussing the most recent plea offer provided by the government.

13 The requested continuance will conserve time and resources for the parties and the Court.  
14 Counsel for defendant believes that failure to grant the above-requested continuance would deny  
15 him the reasonable time necessary for effective preparation, taking into account the exercise of  
16 due diligence. The government does not object to the continuance.

17 Based on the above-stated findings, the ends of justice served by continuing the case as  
18 requested outweigh the interest of the public and the defendant in a trial within the original date  
19 prescribed by the Speedy Trial Act. For the purpose of computing time under the Speedy Trial  
20 Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of April 20,  
21 2022, to June 1, 2022, inclusive, is deemed excludable pursuant to 18 U.S.C. §§ 3161(h)(7)(A)  
22 and 3161(h)(7)(B)(i), (ii) and (iv) because it results from a continuance granted by the Court at  
23 defendant's request on the basis of the Court's finding that the ends of justice served by taking  
24 such action outweigh the best interest of the public and the defendant in a speedy trial.

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Respectfully submitted,

PHILLIP A. TALBERT  
United States Attorney

Date: April 8, 2022

/s/ Christopher Baker  
CHRISTOPHER BAKER  
Assistant United States Attorney  
Attorney for Plaintiff

HEATHER E. WILLIAMS  
Federal Defender

Date: April 8, 2022

/s/ Reed Grantham  
REED GRANTHAM  
Assistant Federal Defender  
Attorney for Defendant  
FRANCISCO MELGOZA

**ORDER**

**IT IS SO ORDERED.** The time period of the date of this order to June 1, 2022, inclusive, is deemed excludable pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and 3161(h)(7)(B)(i), (ii) and (iv) because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial. The status conference currently scheduled for April 20, 2022, at 1:00 p.m. is hereby continued to June 1, 2022, at 1:00 p.m.

Date: 4/8/2022

Sheila K. Oberto  
Hon. Sheila K. Oberto  
United States Magistrate Judge